

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7639 of 2017

ORDER:

This petition is filed under Sections 437 and 439 Cr.P.C. by the petitioner/accused seeking regular bail in Crime No.167 of 2017 on the file of the Station House Officer, Metpalli Police Station, Jagtial District, registered for the offence punishable under Sections 376, 376(2)(H)(N), 417 and 420 IPC.

2. Learned counsel for the petitioner submitted that even if the allegations made in the complaint *ex facie* are taken to be true and correct, no *prima facie* case is made out against the petitioner for the alleged offences. He further submitted that the entire investigation is completed; therefore, it is a fit case to grant bail to the petitioner. ***Per contra***, learned Additional Public Prosecutor submitted that the investigation is in progress. If the petitioner is released on bail, there is every possibility for threatening the prosecution witnesses.

3. The case of the prosecution is that the petitioner committed rape on one Lavanya by making a false promise that he will marry her. The victim became pregnant. The mother of the victim lodged the complaint.

4. The petitioner filed CrI.M.P.No.997 of 2017 on the file of the II Additional Sessions Judge, Karimnagar, at Jagtial, and the same was dismissed by the learned Sessions Judge on

04.08.2017 on the ground that the investigation is in progress. A perusal of the record further reveals that on examination, the Government Doctor certified that the victim became a pregnant. Whether the victim participated in the sexual intercourse with her free will or not will be decided at appropriate time. While deciding the bail applications, the Court has to consider the gravity of offence alleged to have been committed by the petitioner as well as the stage of investigation. The record *prima facie* reveals that the petitioner developed physical contact with the victim who became a pregnant. The record further reveals that the investigation is in progress. The trial Court dismissed the petition on the ground that the investigation is in progress. As rightly pointed out by the learned Additional Public Prosecutor, if the petitioner is released on bail at this stage, the possibility of tampering with the prosecution witnesses cannot be ruled out completely.

5. Taking into consideration the nature of the offence alleged to have been committed by the petitioner and the stage of investigation, this Court is of the considered view that it is not a fit case to grant bail to the petitioner.

6. In the result, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date:30.08.2017

Rns